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10 FEB 2006

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In re Application of	:	
DESAI et al	:	DECISION ON
Application No.: 10/533,921	:	
PCT No.: PCT/US03/32427	:	
Int. Filing Date: 14 October 2003	:	PETITION UNDER
Priority Date: 16 October 2002	:	
Attorney Docket No.: 1415 US/PCT	:	
For: PERMEABLE REFRACTORY MATERIAL	:	37 CFR 1.181
FOR A GAS PURGED NOZZLE	:	

This decision is in response to the "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND PETITION UNDER 37 CFR 1.181" received 26 October 2005, requesting that the executed Declaration was properly filed in the international stage for the above application.

BACKGROUND

On 04 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application. Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because allegedly no executed Declaration or Oath was provided with the transmittal letter.

On 16 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by the International application number and international filing date." The notice also indicated that the items above must be submitted within two (2) months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 16 September 2005, on 26 October 2005, applicants filed the current petition accompanied by, inter alia, a copy of the Request filed on 14 October 2003 that contained an executed declaration that was filed under Rule 4.17, and a copy of the date-stamped itemized postcard.

DISCUSSION

A review of the file reveals that the USPTO had received the executed Declaration on 14 October 2003 submitted under PCT Rule 4.17.

Accordingly, the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 16 September 2005 was in error.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 16 September 2005, is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **04 May 2005**.



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